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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,192	12/11/2003	James E. Dickens	BS030418	8045
7590	11/30/2006		EXAMINER EKONG, EMEM	
Scott P. Zimmerman P.O. Box 3822 Cary, NC 27519			ART UNIT 2617	PAPER NUMBER

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/733,192

Applicant(s)

DICKENS ET AL.

Examiner

EMEM EKONG

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-3, 5-6, and 8-15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Paik in view of US Publication No. 20040209604 A1 to Urban et al. (Urban).

Regarding claims 1 and 8, Paik discloses a system and method for alerting a subscriber of a call, the system comprising: a base station wirelessly transmitting to an accessory device (see abstract, col. 1 lines 9-17, and col. 2 lines 11-14); the base station including a transmitter transmitting only calling line identification information to the accessory device, the called lined identification information associated with the call to a called number (col. 4 lines 37-46, and col. 10 lines 9-11, inherently, the base station includes a transmitter),

the accessory device including a wireless receiver and a display, the receiver wirelessly receiving the called line identification information (col. 4 lines 55-60, and col.5 lines 41-66) and the display continuously presenting only the called line identification information for a duration of call, wherein the accessory device continuously presents the called line identification information to the subscriber, thus informing the subscriber of a called party identity associated with the call (col. 11 line 56-col. 12 line 18). Inherently, Paik invention refers to an incoming and outgoing call. However, Paik fails to specifically disclose alerting a subscriber of an outgoing call.

Urban discloses alerting a subscriber of an outgoing call (see figure 1, and pars. 37, 39, and 48, caller ID messaging signal generated by PSTN identifies calling party on a caller ID messaging device 200).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Paik for an outgoing call as disclosed by Urban for the purpose of presenting an outgoing call information to i.e. calling party's device.

Regarding claims 2 and 3, the combination of Paik and Urban discloses a system according to claim 1, the accessory device further comprising circuitry producing an alerting signal upon origination of the outgoing call and wherein the alerting signal is at least one of visual, audible, and tactile (Paik, see figure 2, col. 4 lines 55-58, and col. 10 lines 53-52).

Regarding claim 5, the combination of Paik and Urban discloses a system according to claim 1, wherein the accessory device continuously presents an originating time for the duration of the outgoing call (see figure 3 and pars. 15 and 44).

Regarding claim 6, the combination of Paik and Urban discloses a system according to claim 1, wherein the accessory device continuously presents the calling line identification information until an on-hook condition is detected (Paik, col. 11 lines

55-65).

Regarding claims 9-12, the combination of Paik and Urban discloses a method according to claim 8, further comprising producing an alerting signal upon receipt of the network-associated information, further comprising producing a visual alerting signal upon receipt of the network-associated information, further comprising producing an audible alerting signal upon receipt of the network-associated information, further comprising producing a tactile alerting signal upon receipt of the network-associated information (col. 4 lines 55-58, and col.10 lines 53-52).

Regarding claim 13, Paik discloses a device for alerting a subscriber of called line identification information associated with a call, the device comprising: a receiver wirelessly receiving only called line identification information from a base station, a display continuously presenting the called line identification information for a duration of the call, wherein when the called line identification information is received, the device presents the called line identification information to the subscriber, thus informing the subscriber of a called number associated with the call (see figures 1 and 2, co. 4 lines 55-65, col. 5 lines 40-62, and col. 11 lines 51-61). Inherently, Paik invention refers to an incoming and outgoing call. However, Paik fails to specifically disclose alerting a subscriber of an outgoing call.

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Urban discloses alerting a subscriber of an outgoing call (see figure 1, and pars. 37, 39, and 48, caller ID messaging signal generated by PSTN identifies calling party on a caller ID messaging device 200).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Paik for an outgoing call as disclosed by Urban for the purpose of presenting an outgoing call information to i.e. calling party's device.

Regarding claims 14 and 15, the combination of Paik and Urban discloses a device according to claim 13, the device further comprising circuitry producing an alerting signal upon origination of the outgoing call, wherein the alerting signal is at least one of visual, audible, and tactile (Paik, see figure 2, col. 4 lines 55-58, and col.10 lines 53-52).

6. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paik in view of Urban, and further in view of US Patent No. 5,553,125 to Martensson.

Regarding claim 7, the combination of Paik and Urban discloses a system according to claim 1, however, the combination fails to disclose wherein when the called line identification information is received, a processor in the accessory device compares a called telephone number to selected telephone numbers stored in memory, and If a match is found, then the processor produces an alerting signal to alert of the outgoing call.

Martensson discloses wherein when the calling line identification information is received, a processor in the accessory device compares a calling telephone number to selected telephone numbers stored in memory (see figure 5 and col.4 line 40-col. 5 line 29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination, by reversing the invention of Martensson such that when the called line identification information is received, a processor in the accessory device compares a called telephone number to selected telephone numbers stored in memory, and If a match is found, then the processor produces an alerting signal to alert of the outgoing call.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571 272 7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EOE  
11/15/06

  
LESTER G. KINCAID  
SUPERVISORY PRIMARY EXAMINER